

ID: CCA_2010092710381451

Number: **201041040**

Release Date: 10/15/2010

Office:

UILC: 1366.00-00

From:

Sent: Monday, September 27, 2010 10:38:17 AM

To:

Cc:

Subject: Section 1366 Indebtedness

We believe that the purported loan of securities at issue here did not create indebtedness for purposes of section 1366(d)(1)(B). *See Deputy v. Du Pont*, 308 U.S. 488 (1940) (obligation to close a short sale was not indebtedness). *See also* Rev. Rul. 95-45, 1995-26 I.R.B. 4; Rev. Rul. 95-26, 1995-14 I.R.B. 6; Rev. Rul. 95-8, 1995-4 I.R.B. 29.